

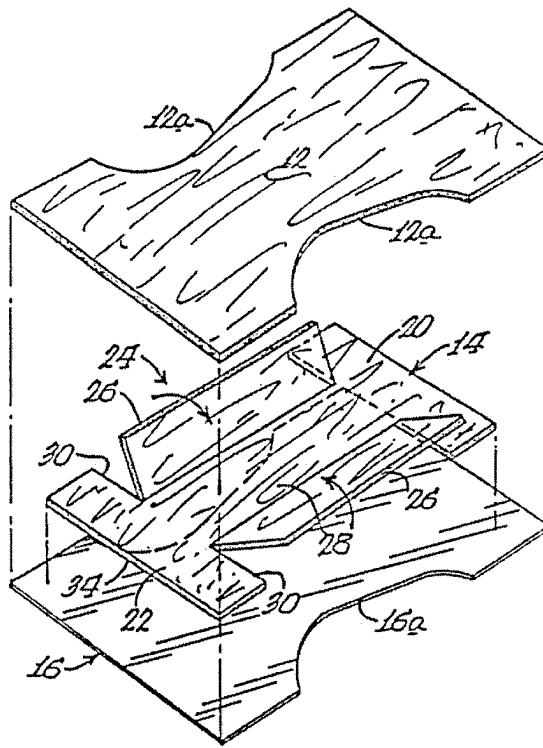
### **REMARKS**

Currently, claims 1, 3-7, and 9-33 remain pending in the present application, including independent claim 1. Withdrawn claims 17-20 also remain pending, and would be allowable upon allowance of generic claim 1.

The previous rejections were withdrawn in the Office Action. However, independent claim 1 was rejected under 35 U.S.C. § 102(b) in view of U.S. Patent No. 4,670,011 of Mesek. The Final Office Action states that this cited reference is different than previously cited U.S. Patent No. 4,960,477 of Mesek. The '477 patent, previously cited, is a continuation of an abandoned divisional application of the '011 patent. Thus, these disclosures are identical, except one patent claims a product and one claims a method. For the purposes of the presently pending case, these patents are cumulative as to their disclosure and teachings.

No matter, Mesek (referring to the '011 patent, as cited in the Office Action) fails to teach or even suggest all of the limitations of independent claim 1. Mesek is directed to an absorbent unit for a disposable diaper, wherein the body or central portion of the batt is defined by multiple batt thickness for increased liquid holding. (Col. 3, lines 65-68). The batt is formed by cutting the longitudinal side edges of the batt to define side flaps which may be folded inwardly to provide multiple layers in the body or central portion of the batt. (Col. 4, lines 16-19). In one embodiment, the batt is cut about a third of its width dimension so that the side flaps of the batt and the medial section are generally of equal dimension. With this arrangement, the side flaps can be folded into overlapping relationship with one another to provide an absorbent unit with three layers in the central region thereof. (Col. 4, lines 20-26).

Fig. 2 of Mesek (reproduced below) shows the central portion 24 including a pair of side flap portions 26 at opposite sides of a medial portion 28. The side flap portions 26 are defined by lines of cutting 30 which extend inwardly from the side marginal edges of batt 14. (Col. 7, lines 30-34). The batt 14 is initially a rectangular member, with cutting lines 30 being parallel to one another and to the end portions of the batt. (Col. 7, lines 35-37).



The batt 14 includes a central portion 24 including a pair of side flap portions 26 at opposite sides of a medial portion 28. As shown, these side flap portions 26 and the end portions 20,22 form a rectangular member when unfolded.

Mesek completely fails to teach or disclose that each of the flaps, when in an unfolded state, extend beyond the width of the front portion, as required by independent claim 1. The Office Action fails to address this limitation, except to state that Mesek

discloses "each of the flaps 26, when in an unfolded state, extending beyond the width of the front portion." (Office Action, pg. 2). Contrary to this assertion in the Office Action, Mesek does not disclose any such configuration. In fact, Mesek specifically states that the batt is initially (i.e., when in an unfolded state) a rectangular member. Thus, the flaps do not, and could not, extend beyond the outermost lateral periphery of the front portion. Applicants respectfully submit that independent claim 1 is not anticipated by Mesek. As such, Applicants respectfully submit that independent claim 1 is patentable over Mesek.

Furthermore, the absorbent structure as defined in claim 1 provides various benefits and advantages over the absorbent structure disclosed in Mesek. For instance, by having the flaps wider than the outermost lateral periphery of the front portion when unfolded, the flaps can be easily engaged during production of the absorbent article and folded over onto the middle portion of the absorbent structure. In particular, since the flaps are wider than the front portion, stationary folding guides can be used to easily find and fold the flaps. Due to the width of the flaps, it may not be necessary to score the web prior to folding the flaps, although score lines may be formed on the absorbent web where the flaps are to be folded if desired. Application, Paragraph 74.

On the other hand, Mesek discloses the use of a complicated folding device shown in Figs. 10 and 11, such as a time registered cam. The presently claimed configuration eliminates the need for this device because the flaps can be easily folded using a stationary folding device.

Mesek also fails to disclose or even recognize several other advantages of the embodiment claimed by claim 1. For example, when each of the flaps extend beyond the width of the front portion when unfolded, the middle portion can be larger relative to the front portion after folding, than if each of the flaps did not extend beyond the front portion. The result of a relatively larger middle portion enables the absorbent to provide greater leakage protection in the middle area, resulting in an improved absorbent article. The Office Action apparently does not recognize that this advantage allows the resulting folded middle area to be relatively larger than it would be if the flaps did not extend beyond the width of the front portion.

As discussed in the previous response, Applicants again point out that Mesek was cited earlier in the prosecution of this application, and the rejection was withdrawn in the Office Action of February 8, 2006 after the personal interview of October 20, 2005. In fact, both Examiner Hill and Examiner Zalukaeva indicated that Mesek does not teach all of the limitations of presently pending claim 1. As stated on the interview summary record, although no agreement was reached, Examiner Hill suggested to define the terms more clearly such that the flaps extend beyond an outermost lateral periphery of the front portion. Examiner Hill also suggested that the front portion be defined better and that the independent claims should recite a differential basis weight. Both Examiner Hill and Examiner Zalukaeva indicated that such amendments would most likely define around the cited references, namely Mesek. This claim language remains present in claim 1.

The Final Office Action states that no evidence can be found in the record supporting Applicants position. However, after the interview and subsequent

amendment filed on December 1, 2005, the Examiner withdrew the rejection of the pending claims in view of Mesek. Clearly, the Office Action of February 8, 2006 states that the previous rejections (based on Mesek) "have been withdrawn."

Applicants also respectfully submit that for at least the reasons indicated above relating to corresponding independent claims, the pending dependent claims patentably define over the references cited. However, Applicants also note that the patentability of the dependent claims certainly does not hinge on the patentability of independent claims. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims.

In summary, it is believed that the claims as currently pending patentably define over the prior art of record and are in complete condition for allowance. Should any further issues remain, however, then Examiner Hand is invited and encouraged to telephone the undersigned at her convenience.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully submitted,

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